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**FEB 28 2005**

**OFFICE OF PETITIONS**

In re Application of  
Takashi Shigetomi et al.  
Application No. 09/749,100  
Filed: December 27, 2000  
Attorney Docket No. 8694.70US01

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed August 25, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned April 21, 2001, for failure to timely reply to the Notice to File Missing Parts mailed on February 20, 2001, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37

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<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed August 4, 2003.

The reply, in the form of an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and all other requirements of 37 CFR 1.137(b) have been properly remitted.

It should be noted that while petitioners asserted that the response to the Notice to File Missing Parts had been timely filed and provided proof of the assertion with a copy of a date-stamped postcard receipt from the USPTO, petitioners chose to file this petition under 37 CFR 1.137(b) as opposed to 37 CFR 1.181. As such, this petition was treated under 37 CFR 1.137(b).

The application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script, reading "Patricia Faison-Ball". The signature is written in dark ink and is positioned to the left of the printed name.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions